

REMARKS

Claim 1-18 are pending, claims 1, 7 and 16 having been amended by the present amendment.

Information Disclosure Statement

The information submitted with the information disclosure statement filed on 08 September 2004 has already been made of record.

Claim Amendments

Claim 1 has been amended to recite that the polysiloxane gel is a structure in which polysiloxanes are cross-linked and form a three-dimensional network which is swollen in a hydrophobic substance, or a substance where the greater part is hydrophobic, and forms an oil gel. Support for this amendment may be found throughout the specification and at least at paragraph [0014].

Claim 7 has been amended to recite "an agent." Claim 7 was objected to because "the agent" was alleged to have insufficient antecedent basis. Further claim 7 was objected to because "the three-dimensional polysiloxane network" was alleged to have insufficient antecedent basis. In view of the amendments to claim 1, from which claim 7 depends, and claim 7, the Office is respectfully requested to withdraw the objection of claim 7.

Claim 16 has been amended to recite that the polysiloxane gel is a structure in which polysiloxanes are cross-linked and form a three-dimensional network which is swollen in a hydrophobic substance, or a substance where the greater part is hydrophobic, and forms an oil gel. Support for this amendment may be found throughout the specification and at least at paragraph [0014].

The amendments are respectfully requested to be entered.

Art Rejections

Claims 1, 6-8, 11, 12, 14-16 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Roe (USPN 5,635,191).

Roe does not teach or suggest each feature of the presently claimed invention, as set forth in representative claim 1. For example, Roe does not teach or suggest that the polysiloxane gel is a structure in which polysiloxanes are cross-

linked and form a three-dimensional network which is swollen in a hydrophobic substance, or a substance where the greater part is hydrophobic, and forms an oil gel.

Roe teaches a lotion composition that comprises: (1) an emollient; (2) an immobilizing agent for the emollient; (3) optionally a hydrophilic surfactant; and (4) other optional agents. See Column 10, lines 15-18. As emollients Roe teaches hydrophilic substances (e.g., mineral oils and petroleum jelly) and polysiloxane compounds.

However, Roe does not teach or suggest that polysiloxane gel is a structure in which polysiloxanes are cross-linked and form a three-dimensional network which is swollen in a hydrophobic substance, or a substance where the greater part is hydrophobic, to form an oil gel. This is an important feature of the presently claimed invention. The polysiloxane gel can function as protection against oxygen in the air by virtue of the fact that the polysiloxane is swollen in a hydrophobic liquid which reduces the air-permeability. Another advantage of using a polysiloxane gel as a carrier is that it is relatively temperature-insensitive and can preserve the additive at temperatures which lie well above normal room temperature, which are not infrequent during the transport or storage of absorbent articles. The polysiloxane gel is also elastic and therefore resistant to mechanical breaking or stretching forces. Furthermore, its elastic properties can be utilized in order to replace or supplement other elastic in the article and in this way achieve the desired elastic properties in the article.

The presently claimed polysiloxane gel has many benefits. For example, the three-dimensional network has an infinite molecular weight and can in the dry (unswollen) form be called a silicone matrix. The matrix can swell in at least partly hydrophobic additives (for example mineral or vegetable oils). In this connection, an oil gel is formed. An oil gel can also be formed by virtue of the cross-linking reaction between the siloxane chains being carried out in the presence of at least partly hydrophobic additives. Depending on which additive is to be used in the carrier, it can be added either in connection with the oil being added or afterwards. By using different cross-linking reactions and allowing these to continue for different lengths of time, the degree of cross-linking and associated properties, for example the mesh size of the cross-linked network, can be controlled and modified. The degree of

cross-linking is adapted according to the additives for which the polysiloxane gel is to be used as a carrier, so that optimum interaction is achieved between the matrix and the additive which is to be released. The meshes are to be sufficiently large for it to be possible for the additive to be released from the gel but at the same time so small that the network can retain the hydrophobic agent with additive during storage. The mesh size in the three-dimensional network is therefore important for the rate of release of the additive.

In fact, one skilled in the art reading Roe would be taught away from the presently claimed invention because Roe relies on immobilizing agents for the emollients. An exemplary immobilizing agent taught by Roe is wax. See Column 16, lines 23-30. The polysiloxane gel of the presently claimed invention avoids the problems of waxes which can melt and be released with the additive. Whereas, a polysiloxane gel can stand up better to being stored at high temperatures without the additives being released.

Accordingly, Roe does not teach or suggest the presently claimed invention.

Accordingly, applicants respectfully request that the rejection of claims 1, 6-8, 11, 12, 14-16 and 18 as being anticipated by Roe, be withdrawn.

Claims 2-4, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roe.

Claims 2-4, 9 and 10 depend from claim 1 and are at least patentable for the reasons discussed above.

Accordingly, applicants respectfully request that the rejection of claims 2-4, 9 and 10 be withdrawn.

Claims 5 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roe in view of Runeman (USPN 6,187,990).

Claims 5 and 17 depend from claim 1 and are at least patentable for the reasons discussed above.

Runeman does not remedy the deficiencies of Roe. Applicants reserve the right to traverse the alleged combination of Runeman and Roe.

Accordingly, applicants respectfully request that the rejection of claims 5 and 17 be withdrawn.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roe in view of Muckenfuhs (USPN 4,934,535).

Claim 13 depends from claim 1 and is at least patentable for the reasons discussed above.

Muckenfuhs does not remedy the deficiencies of Roe. Applicants reserve the right to traverse the alleged combination of Muckenfuhs and Roe.

Accordingly, applicants respectfully request that the rejection of claim 13 be withdrawn.

Conclusion


For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application or should the Office feel that a teleconference with the undersigned would be helpful in resolving any issues pertaining to this application, it is requested that the undersigned be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 15, 2006

By: 
Travis D. Boone
Registration No. 52635

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620